

**OPERATING RULES
FORMER LAKE ONTARIO ORDNANCE WORKS SITE
RESTORATION ADVISORY BOARD**

I. Name

This organization shall be known as the Former Lake Ontario Ordnance Works Site Restoration Advisory Board. This organization will operate in accordance with the U.S. Department of Defense's Guideline for Restoration Advisory Boards.

II. Mission Statement

The "Mission Statement" of the Former Lake Ontario Ordnance Works Site Restoration Advisory Board ("RAB") is to establish and maintain a forum of all stakeholders for the exchange of information, and provide an open and independent dialog concerning the environmental restoration activities at the former Lake Ontario Ordnance Works Site.

III. Authority

The basis and authority for this charter is the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), particularly Sections 120(a), 120(f) and 121(f) and 10 U.S.C. 2705, enacted by Section 211 of CERCLA.

IV. Membership

A. *Government Representation* - Shall consist of representatives from the following governmental organizations:

- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency, Region II
- U.S. Air Force
- New York State Department of Environmental Conservation

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B. ***Community Representation*** - Shall also consist of volunteers from the surrounding local communities. Members should provide a fair and proportionate representation of the diverse community interest. DoD guidance recommends that the board consist of no more than 20 members.

C. ***Role of RAB Members*** - Community board members have been chosen to serve as individuals and not represent any particular institution or jurisdiction. Members should express their own viewpoints on all matters considered, and bring to the board any concerns of the community. The board is not a decision making body, therefore there is no liability incurred by individual board members for participation. The board is not an advisory committee, as that term is used in the Federal Advisory Committee Act.

D. ***Adding New RAB Members*** - New community members may be added at any board meeting by majority vote of community board members. The addition of new members shall be subject to the goal of fair and proportionate board composition. Voting procedures shall be consistent with those set forth in these rules.

E. ***Compensation*** - Community members shall serve without compensation. All personal expenses, including travel shall be borne by the respective member or the member's organization.

F. ***Conflict of Interest*** - The Restoration Advisory Board should not be used as a forum for soliciting business from the U.S. Army Corps of Engineers.

G. ***Attendance*** - Regular, on time attendance is a requirement for continued board membership. Members are expected to attend every meeting. Community members who are no longer able to serve or no longer desire to serve on the board are expected to resign. Failure to attend three consecutive scheduled meetings will be deemed a resignation unless the community member notifies either co-chair prior to the third absence and requests to remain a member. When a member is unable to attend a meeting, an alternate may attend. However, this alternate is not eligible to vote.

H. ***Terms of Service*** - Board members will serve a 2-year term. Board members may serve additional terms and will be contacted (by either the community co-chair or facilitator) at the end of each term to determine whether the member is still interested in participating.

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V. Structure and Operating Procedures

A. **Chairing** - The Restoration Advisory Board shall be co-chaired by a government co-chairperson and a community co-chairperson.

- The US Army Corps of Engineers representative will serve as the government co-chairperson.
- Community members shall separately elect a community co-chairperson and an alternate community co-chairperson. The community co-chairperson and alternate community co-chairperson shall serve for a period not to exceed two years, at which time new elections shall be conducted. No limit exists as to the number of times a member may be nominated or elected to either position.

(1) Following the initial vote for co-chair, the community members will provide nominations for individuals to serve as the community co-chairperson. At the conclusion of the nominations, a vote will be held, provided that a quorum of community members are present. The nominee receiving a majority of the votes cast shall be elected as the community co-chairperson. For purposes of determining a majority, an absent board member shall not be allowed to cast a vote.

(2) In the event that no nominee receives a majority of the votes cast, a run-off election will be held between the two nominees receiving the highest vote totals in the prior election. No other nominations can be recognized in a run-off election.

(3) Upon election of the community co-chairperson, the community members shall elect an alternate community co-chairperson in a manner consistent with the rules prescribed for the co-chairperson's election. The alternate co-chairperson shall serve as the community co-chairperson in the event that the community co-chairperson is absent from a meeting or is otherwise removed.

B. **Voting** - Voting will be done by community members only, not by representatives of federal or state government agencies, and will be limited to administrative matters (i.e. membership, operating rules). No voting shall be conducted unless a quorum is present. For purposes of these rules, a "quorum" shall be defined as "no less than a majority of community members." Any motion made at a meeting shall be approved only by a majority of votes cast by the members present at the meeting in favor of said motion. In all voting procedures, members physically present at the board meeting may only cast votes. Proxy votes shall not be recognized. An absent member may have his written comment presented by a member in attendance prior to any vote. However, such presentations shall in no way constitute a vote.

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C. *Meetings:*

1. ***Frequency*** - Meetings are open to the public and will be held on a quarterly basis or as needed on Wednesdays until such time as the RAB members vote to change meeting frequency or day.

2. ***Responsibilities of RAB administrative contractor support as designated by government co-chairperson*** - The contractor shall be responsible for arranging the availability of the meeting site and reminding members of any changes in the meeting site, date and time. The contractor shall be responsible for coordinating and disseminating meeting agendas and the previous meeting's minutes. Approval of prior meeting minutes will be an agenda item for each meeting. Comments on the proposed agenda and previous meeting minutes may be provided to either co-chairperson. The contractor shall send copies of relevant documents to the members or notify members where they may obtain the documents for review.

3. ***Procedure of Meeting Agendas*** - The meeting agenda for the next scheduled meeting is generated by the community co-chair at the end of each meeting with input from the board members.

4. ***Protocol*** - Member participation will follow a formal process. An agenda will be followed at RAB meetings. Full and open discussions will be encouraged. Public comments or questions on matters not included in the agenda will be held either at the beginning or near the end of the meeting. An effort should be made to complete the agenda, including public comments and questions, between 7 and 9 p.m. A Co-Chair will ask the members for a motion to adjourn and approval of such motion in order to end each meeting.

D. ***Written response to comments and requests for information*** - Responses to comments or requests for information shall be provided in writing. All action items will be listed in the meeting minutes of the meeting for which they are assigned. Progress on each action item will be briefed at each board meeting. When an action item is closed, the written response will be summarized in the meeting minutes.

E. ***Administrative record/information repository*** - Final documents, including Restoration Advisory Board meeting minutes will become part of the administrative record. The administrative record/information repository will be available for public review.

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F. ***Dispute Resolution*** - Disputes within the board will be resolved by means of a three-step process. First, the board Co-Chairs will attempt to resolve the issue. If these efforts are not successful, an independent facilitator may be brought in to resolve the issue. Disputes, which cannot be resolved by the Co-Chairs or a facilitator, may be formally presented to the USACE District Commander for resolution.

VI. Adoption and Amendment of Rules

These rules shall be adopted upon approval by a majority of community board members present. Approval shall be indicated by the member affixing his or her signature to this document. Any rule is subject to modification, amendment or invalidation upon a majority vote.

VII. Termination of RAB

Existence of the Lake Ontario Ordnance Works Restoration Advisory Board shall be terminated by any of the following events:

- termination of RAB program due to change in the law or funding;
- majority vote of the community members, provided a quorum exists; or
- failure of the community members to establish a quorum for three consecutive scheduled meetings.

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VIII. Effective Date and Signature.

IT IS SO ADOPTED:

STEPHEN YAKSICH DATE
USACE Representative

MIKE BASILE DATE
USEPA, Region VI

BRUCE MERO DATE
U.S. Air Force

KENT JOHNSON DATE
New York Dept. of Environmental
Conservation

WILLIAM ROGER ANGUS DATE

LAWRENCE BRENNEN DATE

PAUL DICKY DATE

THOMAS FRECK DATE

TIMOTHY HENDERSON DATE

MARTIN HODGINS DATE

CLYDE JOHNSTON, JR DATE

CHARLES LAMB DATE

DARWIN JAMES LANGLOIS DATE

EDWARD LILLY DATE

NONA MCQUAY DATE

NILS OLSEN DATE

NEIL PATTERSON DATE

WALTER POLKA DATE

DANIEL SERIANNI, JR DATE

GARY SMITH DATE

JOHN SYMS DATE

REBECCA ZAYATZ DATE